PROJECT PENCIL

A Guide to the IDEA and Section 504 Appeals Process

Informal Appeal

Work directly with the school and discuss your concerns with the educational team.

Mediation

Request a confidential meeting between you, the school, and an impartial third person called a mediator, to resolve your concerns.

File a due process complaint

File your complaint with the Local Educational Agency (LEA).

Resolution meeting

Discuss your concerns with the school district, the educational team, and a Local Educational Agency (LEA) representative

Due process hearing

If you cannot resolve your complaint during the resolution meeting, a trained hearing officer will hear evidence from you and the school, and issue a hearing decision

Due process hearing appeal

In some states, you may appeal due process hearing decisions to the State Educational Agency (SEA), which will review the hearing record, oral and written arguments to reach an independent decision

Civil lawsuit

In other states, you must file a civil lawsuit if you disagree with the hearing decision or if you are not satisfied with the SEA's decision. During a civil lawsuit, the court will review the records related to your complaint and additional evidence, and will make a decision

When you reach a resolution, you and the school will sign a legally binding agreement, which documents the terms of the resolution.

Visit www.projectpencil.com to learn more about legal protections for children with chronic illness under IDEA and Section 504. The Project PENCIL materials provide general information, which is not intended to constitute legal advice or substitute for obtaining legal advice from your own counsel. Laws vary by state and are subject to change. If you need answers to specific legal questions, please seek professional legal assistance.